

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

May 10, 2018

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright,
E. Hood, S. Gawron, B. Larson

MEMBERS ABSENT: J. Montgomery-Keast, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: T. Williams, 3362 Hoyt; J. Walker Jr, Soul Survivors; A. Britton,
1219 McLaughlin; J. Longstreth, Moore & Bruggink for Grooters

APPROVAL OF MINUTES

The April minutes were corrected to reflect that M. Hovey-Wright was not present to vote on the last 2 motions. A motion to approve the Minutes of the regular Planning Commission meeting of April 12, 2018 with the stated corrections, was made by J. Doyle, supported by E. Hood and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2018-13: Request for a Special Use Permit to allow a private club at 2374 S Getty St, by Soul Survivors Motorcycle Club. M. Franzak presented the staff report. The property is part of a strip mall that is zoned B-4 General Business. Private clubs, lodges, social and similar facilities are allowed in this zoning district with the issuance of a Special Use Permit. The Soul Survivors M/C Chapter II is a non-profit organization that is proposing to locate its operations at this location. Their stated mission is to improve and enrich the community through safety training and honest practices. They have requested the following uses at this location: 1) A clubhouse with members having 24 hour access, 2) Charitable/fundraising events, and 3) Command center for off-site events. The storefront currently has a black tarp hanging in the windows, screening inside activity. Staff recommends the removal of this tarp as a condition of any type of approval, as it is a blight on the building and also creates safety concerns. In addition, there is an unscreened dumpster and scrap tires in the parking lot. Staff recommends that any approval is also contingent upon the relocation and screening of the dumpster and the removal of all outdoor storage/junk on site. The parking lot also needs to be restriped. Notice was mailed to property owners and tenants within 300 feet of this location. At the time of this writing, staff had received one comment: Port City Architectural signage at 2350 S Getty St was opposed to the request due to safety concerns and the inability to contact the property owner on other maintenance issues, such as snow removal. Staff suggests that a snow storage/removal plan be required to alleviate the complaints of Port City Architectural Signage, who claims that the snow storage on this property is encroaching on their

building and caving in the wall. Staff is also concerned about the request for 24-hour access to the clubhouse, especially during events. Any approvals should be contingent upon bringing the property up to full code compliance, including dumpster screening, the removal of all outdoor storage/junk, and a limitation on the business hours of operation. For discussion purposes, the following conditions of approval were suggested: 1) Hours of operation shall be limited to 8am to 10pm; 2) The property must first be brought into full zoning code compliance, including dumpster screening and outdoor storage/junk removal. The parking lot shall be re-stripped; 3) The tarp must be removed from the windows, 4) A snow storage/removal plan must be approved by the Zoning Administrator. Continued evidence of snow storage encroaching on adjacent properties will constitute the revocation of this Special Use Permit; and 5) The Special Use Permit shall be revoked if more than a certain number of police reports are made within a six month period.

E. Hood asked whether the applicant or the property owner should be required to provide a snow removal plan. M. Franzak stated that ideally, it would be the property owner but they had been difficult to contact. Staff and board members discussed the closing time for the club. M. Franzak stated that he would need more information on the activities there. T. Michalski stated that closing time for most festivals and events in the city was 11:00 PM and he suggested that should apply to events at this location also. T. Williams was the President of the club, and he explained their request for 24-hour access. He stated that the building would be used as their clubhouse and he expected that 12-15 of their club members would be using the facility regularly. They were not planning to have regular business hours. J. Doyle asked what type of activities would be held at the club. T. Williams stated that they had monthly club meetings, occasional events, and it was also a place for club members to socialize. J. Walker stated that they were a peaceful, community-oriented club and they had always been cooperative with the police for their events. He explained some of their activities and stated that he would like allowed hours to extend beyond 11:00 PM. F. Peterson asked if there was alcohol at the club functions. T. Williams stated that the club did not sell or serve alcohol. F. Peterson stated that the club would need to obtain a Dance Permit from the Police Department for events that last past 11:00.

T. Michalski asked what charities the club supported. T. Williams stated that there were no specific organizations, but they helped individuals in need in the community and put on kids events. They were a small organization started in 1976 and designated as a non-profit through the state. B. Larson asked who was responsible for the Dumpster screening. T. Williams stated that there were 4 other tenants in the building, and the Dumpster belonged to H&R Block. M. Franzak stated that the city had been unsuccessful in contacting the property owner regarding multiple zoning violations on the property; the next avenue to try and gain compliance with the ordinance was to work through the tenant. If the Dumpster was grandfathered in, a new request was the only way to enforce the current ordinance. E. Hood stated that he noted garbage all around the back of the property, and he would like to see all tenants clean up the property. T. Williams stated that although their rear door was boarded up, they did plan to make it usable and clean up their area. J. Doyle asked what the plan was for the windows, since the tarps would have to be removed. T. Williams stated that they would install curtains or blinds. J. Doyle asked which of the 4 suggested conditions of approval were the responsibility of the property owner and which were the club's responsibility. M. Franzak stated that when a property was out of compliance such as this one, a tool the city could use try to gain compliance was placing conditions of approval on any new request. F. Peterson concurred, stating that he would like to see the issues taken care of before the

SUP was issued, regardless of whether the owner or tenant did the work

A motion to close the public hearing was made by B. Mazade, supported by B. Larson and unanimously approved.

Board members discussed the suggested conditions of approval as listed in the staff report. Regarding hours of operation, J. Doyle suggested that the wording be changed to reflect that hours of *event* operation were limited to 11:00 PM. B. Larson thought that the zoning violations should be the property owner's responsibility. B. Mazade stated that it needed to be taken care of, regardless of who did it. Members concurred that the tarp had to be removed from the window and replaced with normal window dressing. E. Hood asked what a snow plan would entail. M. Franzak stated that he would just need a statement that they would not plow snow against the wall of the neighboring building. T. Williams stated that they would not plow snow against the building. Board members concurred in deleting condition #5 regarding police reports. M. Franzak stated that a violation of operating hours would be a zoning violation, not a police violation.

A motion that the request for a Special Use Permit to allow a private club at 2374 S Getty St, by Soul Survivors Motorcycle Club be approved with the following conditions: 1) Hours of operation for events shall be limited to 11:00 am to 11:00 pm unless a Dance Permit is issued by the Police Department, allowing a later closing time; 2) The property must first be brought into full zoning code compliance, including dumpster screening, outdoor storage/junk removal, and the re-stripping of the parking lot before a SUP will be issued, 3) The tarp must be removed from the windows, and 4) A snow storage/removal plan must be approved by the Zoning Administrator, and continued evidence of snow storage encroaching on adjacent properties will constitute the revocation of this Special Use Permit, was made by M. Hovey-Wright, supported by B. Mazade and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, E. Hood, S. Gawron, and B. Larson voting aye.

NEW BUSINESS

Hearing, Case 2018-14: Request for a site plan review for a new 490,000 square foot building in an I-2, General Industrial district at 2420 Remembrance Dr by Grooters Land Development. M. Franzak presented the staff report. KL Industries is contracting with Grooters Land Development to construct a new 490,000 square foot warehouse building on the former cemetery parcel at 2420 Remembrance Dr. They are also requesting to store shipping trailers outdoors within the Consumers Energy property to the north. An access road from the existing KL Industries building to the south to the new property is proposed, which would run through property owned by Consumers Energy, Michigan Shoreline Railroad and the City of Muskegon. Property ownership maps were shown to the board. All properties associated with this project are zoned I-2, General Industrial, and the main parcel that will host the building contains 22.7 acres. The following property issues must be addressed before any approvals can be finalized: a) The shipping office at the northern entrance of the property is built to the northern lot line. A maintenance access easement must be granted by Consumers Energy and recorded with the Register of Deeds; b) The access road around the northern portion of the building is located on Consumers Energy property. The access road to the existing KL Industries property runs through property owned by Consumers Energy, Michigan Shoreline Railroad and the City of Muskegon. Agreements must be made to use these properties and be recorded with the Register of Deeds; c) The parking lot that begins at the end of Remembrance Dr runs through properties owned by the cemetery and Consumers

Energy. Agreements must be made and recorded with the Register of Deeds; d) The shipping trailers to be stored outside sit on property owned by Consumers Energy and the City of Muskegon. Agreements must be made and recorded with the Register of Deeds, and e) Utility easements must be made with all properties.

Other issues with the site and site plan must also be addressed: 1) The Drain Commissioner must approve the stormwater management plan, and any City approvals shall be contingent upon the Drain Commissioners approval; 2) Road improvements will be made to Remembrance Dr to accommodate truck traffic; 3) Wetlands surround much of these properties, but all development and shipping trailer storage is proposed outside of these wetlands; 4) The landscaping plan does not indicate the ground cover, which needs to be clarified; 5) The parking plan seems adequate with 113 parking spaces proposed; however, there does not appear to be any parking lot lighting, other than lights affixed to the building; 6) Snow storage must be addressed; 7) Fire hydrants must be supplied as required by the Fire Marshall; 8) The shipping trailers stored on the Consumers Energy easement will be visible to southbound traffic on Business 31; screening is usually required for this type of outdoor storage visible from any right-of-way. Any type of screening would have to be located on cemetery property.

Staff recommends approval of the site plan with the following conditions:

- All property issues listed in #3 of the staff report regarding property issues must be addressed and confirmed by the Zoning Administrator before final approval is granted (see items (a) through (e), above);
- The Drain Commissioner must approve the stormwater management plan before final approval is granted;
- The landscaping plan must be updated to include the type of ground cover. The plan must be approved by the Zoning Administrator before final approval is granted.
- Snow storage must be addressed on the site plan and approved by the Zoning Administrator.
- The Fire Marshall shall determine how many hydrants will be required on site. M. Franzak noted that a water line would need to be installed.

B. Mazade asked what the hours of operation would be. J. Longstreth stated that he thought it would be a 24 hour operation. J. Doyle asked if the railroad bed was functional. F. Peterson stated that it was not. J. Longstreth explained the project. He stated that they would be seeking approvals from the railroad, MDOT, and Consumers Energy for issues mentioned in M. Franzak's staff report. M. Hovey-Wright asked if there were drainage problems on the site, since it contained wetlands. J. Longstreth stated that there were not; they had a stormwater plan showing drainage into a pond.

F. Peterson left at 5:05 PM.

A motion that site plan for the new building at 2420 Remembrance Dr be approved with the conditions that 1) All items listed in #3 of the staff report regarding property issues must be addressed and confirmed by the Zoning Administrator before final approval is granted (see items (a) through (e) in the staff report, above); 2) The Drain Commissioner must approve the stormwater management plan before final approval is granted; 3) The landscaping plan must be updated to include the type of ground cover and the plan must be approved by the Zoning Administrator before final approval is granted; 4) Snow storage must be addressed on the site plan and approved

by the Zoning Administrator, and 5) The Fire Marshall shall determine how many fire hydrants will be required on site, was made by M. Hovey-Wright and supported by B. Mazade.

M. Franzak suggested that the motion include a requirement for screening the parking lot and parked trailers on site. He also pointed out that the Fire Marshall required minimum spacing between the stored trailers. M. Hovey-Wright amended the motion to include conditions 6) that the trailers stored on the lot conform to the Fire Marshall's minimum spacing requirements and 7) the existing parking lot on the site must be screened with appropriate fencing or landscaping materials. B. Mazade supported the amended motion. A vote was then taken which was unanimously approved with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, E. Hood, S. Gawron, and B. Larson voting aye.

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 5:10 p.m.